

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Richard A. Hayward, City Manager ^{RAH}
SUBJECT: Request for Variance - Nickles Bakery
DATE: June 18, 1987

BZA 87-15

RECOMMENDATION

It is recommended that the Board of Zoning Appeals approve a Variance for Nickles Bakery to allow the placement of a gas pump in the front yard setback of their building located at 1015 Welsted.

BACKGROUND

A petition has been received from Nickles Bakery located at 1015 Welsted, Napoleon, Ohio requesting that they be allowed to install a gas pump in the front yard setback of their building. The building is located in a "PB" Planned Business District, but is surrounded by an "A" Residential Zoning District. Attached you will find a drawing of the location where they wish to place the pump.

The original request was to allow the location of an underground tank in the setback. However, the Fire Inspector has determined that this is not possible, so the company would like to located the pump in the setback and pipe the fuel to the location. The company presently maintains a gas pump outside the setback at the facility, but would like to move it so that it is not in the way of customers.

The request meets the Standards for Variation in the following manner:

- 1) The building is presently a non-conforming use by being in the setback. The new location of the pump will be safer for customers and thus creates an exceptional situation.
- 2) The Variance is needed to allow the pump to be located in an area that is safer which is a right enjoyed by others businesses in the district.
- 3) Granting the Variance will not be materially detrimental to the public welfare.
- 4) Granting the Variance will not alter the land use characteristics of the district.

RAH:skw